ACTION NEA-00

INFO	LOG-00	AGRE-00	INL-00	USNW-00	PERC-00	DS-00	EB-00
	EUR-00	E-00	IO-00	L-00	NSCE-00	OIG-00	OMB-00
	PA-00	PM-00	P-00	D-00	FMPC-00	SP-00	SSO-00
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SECDEF WASHINGTON DC IMMEDIATE
WHITE HOUSE NSC WASHDC IMMEDIATE
HOMELAND SECURITY CENTER WASHINGTON DC
DIA WASHINGTON DC
CIA WASHDC
CJCS WASHINGTON DC
FBI WASHINGTON DC
CDR USCENTCOM MACDILL AFB FL
INFO IRAQ COLLECTIVE IMMEDIATE

S E C R E T BAGHDAD 000393

E.O. 12958: DECLA: 08/08/14
TAGS: PREL, PTER, PHUM, KISL, KJUS, IZ
SUBJECT: DETAINEES IN COALITION CUSTODY AS OF AUGUST 1, 2004: NUMBER, LOCATION, STATUS, AND POSSIBLE DISPOSITIONS

Classified by Political-Military Counselor Ronald Neumann, for reasons 1.4(b) and (d).

1. (U) SUMMARY. As of August 1, 2004, Coalition Forces exercised some degree of security control over 9,374 individuals inside Iraq. The detainee population on August 1 consisted of (A) 12 High-Value Criminals (HVCs) housed in Coalition facilities under Iraqi legal custody, (B) 84 High-Value Detainees (HVDs) in Coalition custody, (C) 5,439 security internees in Coalition custody, and (D) 3,839 protected persons under Coalition security control
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2. (C) The possible dispositions for these various groups are: (A) HVCs - conviction or acquittal by the Iraqi Special Tribunal (IST); (B) and (C) - release, supervised release, continued detention, or referral for prosecution to the IST or the Central Criminal Court of Iraq (CCCI); (D) - repatriation, resettlement, and/or determination of refugee status. END SUMMARY.

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 23 JAN 2009 200706444

(A) HIGH-VALUE CRIMINALS: "THE TWELVE"

3. (S) Former Iraqi President Saddam Hussein and eleven other High-Value Criminals (HVC), often collectively termed "the twelve," are currently housed on the grounds of Baghdad International Airport (BIAP) at Camp Cropper.

4. (U) Legal custody of all twelve HVCs passed to the Iraqi Interim Government (IIG) on June 30, 2004, with their referral for prosecution to the Iraqi Special Tribunal (IST). Physical custody has been retained by Multi-National Force-Iraq (MNF-I) at the request of the IIG.

5. (U) The IST is preparing charges against the twelve with the assistance of the Embassy-based (and Department of Justice-affiliated) Regime Crimes Liaison Office (RCLO). Charges are not expected to be finalized for six months or more. All HVCs will have access to legal counsel.

6. (U) As the twelve HVCs are in (Iraqi) criminal custody, they are no longer considered Enemy Prisoners of War (EPWs), and are no longer covered by the protections of the Geneva Conventions. However, MNF-I ensures that all twelve are treated in a manner consistent with the rights and protections afforded under Geneva Conventions III or IV.

(B) SECURITY DETAINEES: HIGH-VALUE DETAINEES

7. (S) 84 additional High-Value Detainees (HVD) are currently housed in MNF-I custody at Camp Cropper. Primary authority for all HVDs is retained by MNF-I.

8. (C) MNF-I bases its legal ability to retain custody of all 84 HVDs on (a) the provisions of UN SCR 1546, which states that "the multinational force shall have the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq;" and (b) international law pertaining to the conduct of international war.

9. (C) In addition, a number of the HVDs are EPWs and continue to be held pursuant to Geneva Convention III.

10. (S) All HVDs have been designated by MNF-I as being of special intelligence interest on the basis of their involvement in or knowledge of illegal weapons programs and/or terrorism, war crimes, and/or POW/MIA issues.

11. (S) MNF-I has completed security assessments of all 84 HVDs. As appropriate, the HVDs continue to be exploited for intelligence by [redacted] B1

12. (S) [redacted] met on June 18 and July 31 to review files on all 84 HVDs. (This review [redacted] does not replace the normal review required by Geneva Convention IV and, now, CPA Memo No.3.) [redacted] B1 B1 B1 Of the 84 HVDs in custody, six were recommended to be forwarded to CDR MNF-I for unconditional release and eight for conditional release.

14. (S) In cases of conditional release, individual detainees will be required to sign personalized guarantees of conduct (including travel and association provisions) before release will be considered. Prominent community figures or relatives may also be asked to sign as guarantors.

15. (S) [redacted] recommended that 70 HVDs not be considered for expedited release at this time and remain in Coalition custody. [redacted] B1 B1

[redacted]

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19. (U) The Combined Review and Appeal Board, which is expected to stand up by the middle of August, will be made up of six Iraqi Interim Government (IIG) representatives (two each and an alternate from the Ministries of Justice, Human Rights, and Interior) and three MNF-I representatives (MP, MI, and JAG).

20. (U) The Combined Review and Appeal Board will report its recommendations of release, conditional release, or continued detention, to the Deputy Commanding General - Detainee Operations (DCG-D). In cases in which there is no Board consensus, the DCG-D will consult with the Iraqi Ministry of Justice before making a final determination.

[redacted]

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(C) SECURITY INTERNEES: GENERAL POPULATION

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22. (U) The majority of the 5,439 security internees in the general population are housed either at the Baghdad Central Correctional Facility at Abu Graib (population 2,413) or Camp Bucca, near Umm Qasr (population 2,601). An additional twelve detainees are currently held in MNF-I medical facilities for treatment. (Population numbers are for August 1, 2004.)

23. (C) Security internees in custody prior to June 28, 2004 who remain in custody, do so on the same legal understanding described in paragraph (8). All new detainees introduced into MNF-I custody are introduced on the same legal basis.

[redacted]

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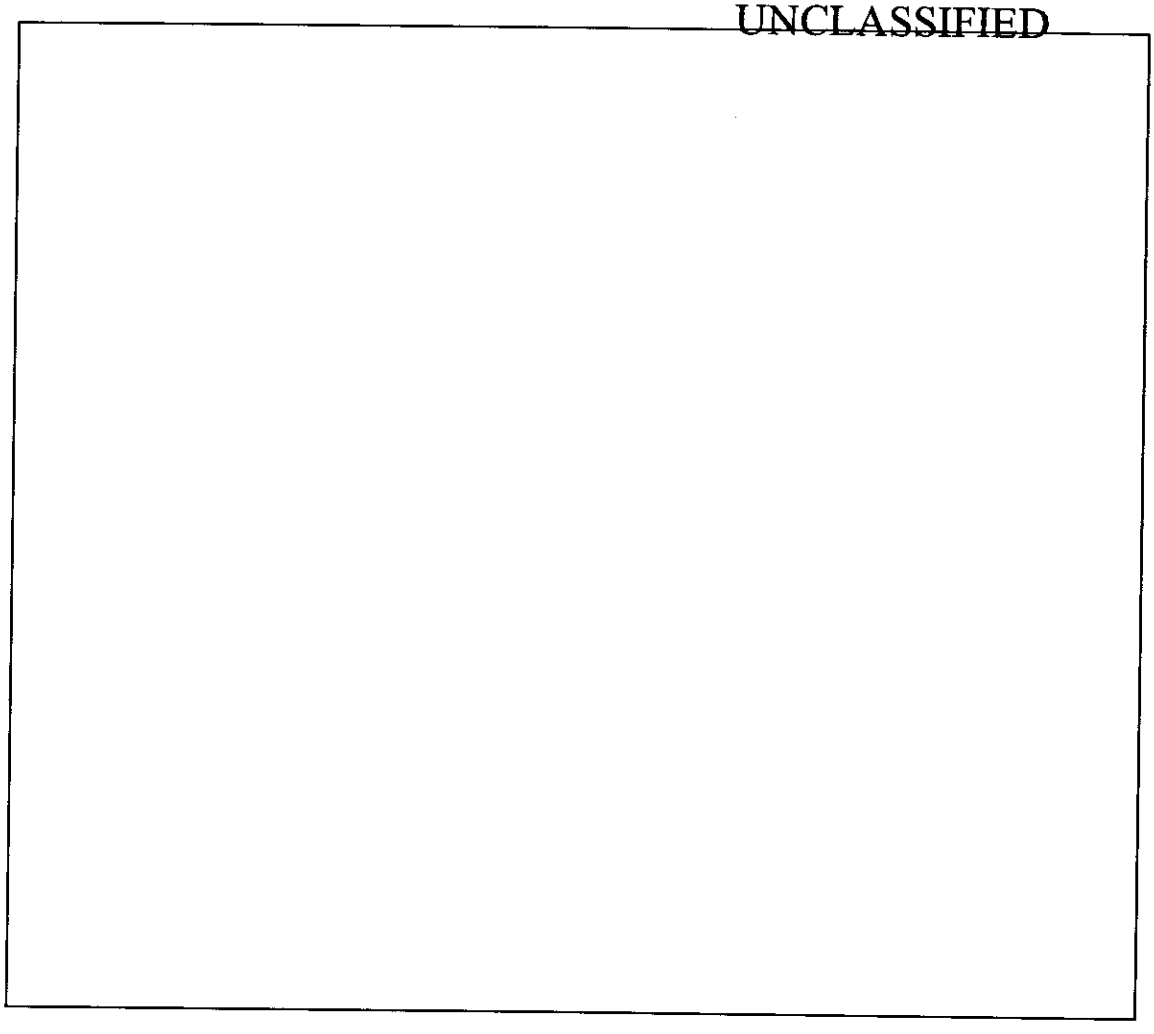

29. (U) With the inception of the Combined Review and Release Board discussed in paragraphs (17) and (18), all internee files will be discussed at the Combined Review and Appeal Board for the Board's recommendation as to release (including referral to the CCCI), conditional release, or continued internment on security grounds.

30. (U) Of the 84 HVDs and 5,439 security internees whose cases will be considered by the Combined Review and Appeal Board, 1,489 (43 percent) have been judged by MNF-I to pose an extreme threat upon release, 772 (22 percent) a high threat, 1,180 (33 percent) a medium threat, and 85 (2 percent) a low threat.

31. (U) The Combined Review and Appeal board is expected to complete a review of all internees by November 1, 2004. The cases of those internees recommended for further detention will be reviewed every 60 days thereafter (this review is required only every six months).

(D) PROTECTED PERSONS: THE MUJAHIDEEN-E-KHALQ

32. (U) 3,839 members and former members of the USG-designated foreign terrorist organization Mujahideen-e-Khalq (MEK) are currently resident at Camp Ashraf in Diyala Province under Coalition guard and protection.

33. (U) MNF-I has designated these 3,839 individuals as protected persons under the Fourth Geneva Convention and considers the restrictions placed on MEK travel outside the compound and on visitor entry as "measures of control and security" permitted under Article 27 of IVGC.

34. (U) Those 74 residents of Camp Ashraf who are citizens or legal residents of third countries are permitted to repatriate with the approval of their respective governments. MNF-I and Post are currently facilitating a number of possible repatriations.

35. (U) ICRC has been invited to visit Camp Ashraf to conduct individual interviews with the residents of the Camp. It is expected that these interviews may result in ICRC's recommendation that UNHCR make a determination of refugee status in many cases.

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